



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 17, 2021 which reads as follows:*

**“G.R. No. 252815 – LESTER GARCIA y FERNANDEZ, petitioner, versus PEOPLE OF THE PHILIPPINES, respondent.**

After reviewing the Petition,<sup>1</sup> inclusive of the Court of Appeals’ (CA) Decision<sup>2</sup> dated October 21, 2019 in CA-G.R. SP No. 158436, and the Regional Trial Court’s (RTC) Orders dated June 25, 2018<sup>3</sup> and September 3, 2018<sup>4</sup> in Criminal Case No. 17-332875, the Court resolves to **DENY the Petition** for failure of petitioner Lester Garcia y Fernandez to sufficiently show that the CA committed any reversible error in the challenged Decision as to warrant the exercise of this Court’s discretionary appellate jurisdiction.

The CA is correct in ruling that Section 2, Rule 116 of the Rules of Court is clear that consent of the offended party and the prosecutor is a condition *sine qua non* for an accused to enter into a plea bargaining agreement, to wit:

SEC 2. *Plea of guilty to a lesser offense.*—At arraignment, the accused, **with the consent of the offended party and the prosecutor**, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary. (Emphasis supplied)

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<sup>1</sup> Rollo, pp. 15-32.

<sup>2</sup> Id. at 65-77. Penned by Associate Justice Ramon A. Cruz with Associate Justices Celia C. Librea-Leagogo and Gabriel T. Robeniol, concurring.

<sup>3</sup> Id. at 97-98. Penned by Pairing Judge Rainelda H. Estacio-Montesa.

<sup>4</sup> Id. at 105-108.



Time and again, it has been repeatedly declared by this Court that where the law speaks in clear and categorical language, there is no room for interpretation. There is only room for application.<sup>5</sup> Where the language of a statute is clear and unambiguous, the law is applied according to its express terms, and interpretation should be resorted to only where a literal interpretation would be either impossible, or absurd, or would lead to an injustice. In the instant case, the law is clear and unambiguous that consent of the offended party and the prosecutor is a requirement in plea bargaining agreements, thus there is no need to further interpret the law.

Further, in *Sayre v. Xenos*,<sup>6</sup> the Court in no uncertain terms held:

Nonetheless, a plea bargain still requires mutual agreement of the parties and remains subject to the approval of the court. The acceptance of an offer to plead guilty to a lesser offense is not demandable by the accused as a matter of right but is a matter addressed entirely to the sound discretion of the trial court.

x x x x

The use of the word “may” signifies that the trial court has discretion whether to allow the accused to make a plea of guilty to a lesser offense. **Moreover, plea bargaining requires the consent of the accused, offended party, and the prosecutor.** It is also essential that the lesser offense is necessarily included in the offense charged.<sup>7</sup> (Emphasis supplied)

Thus, the CA is correct in ruling that the RTC acted with grave abuse of discretion amounting to lack or excess of jurisdiction when it allowed the petitioner to plead guilty to a lesser offense without the consent of the prosecutor.

**WHEREFORE**, the instant Petition is **DENIED**. The Decision of the Court of Appeals dated October 21, 2019 in CA-G.R. SP No. 158436 is hereby **AFFIRMED in toto**.

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<sup>5</sup> *Cebu Portland Cement Company v. Municipality of Naga, Cebu*, Nos. 24116-17, August 22, 1968, 24 SCRA 708, 712; Ruben E. Agpalo, STATUTORY CONSTRUCTION, p. 62 (2003).

<sup>6</sup> G.R. Nos. 244413 & 244415-16, February 18, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66133>>.

<sup>7</sup> Id.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *m7/5*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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